

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

FILED
U. S. DISTRICT COURT
DISTRICT OF NEBRASKA

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

CECELIA EARTH,

Defendant.

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**PRELIMINARY ORDER
OF FORFEITURE**

OFFICE OF THE CLERK

NOW ON THIS 4th day of February, 2009, this matter comes on before the Court upon the United States' Motion for Issuance of Preliminary Order of Forfeiture. The Court reviews the record in this case and, being duly advised in the premises, finds as follows:

1. The Defendant has entered into a Plea Agreement, whereby she has agreed to plead guilty to Counts II, III and IV of said Superceding Indictment. Count II charges the Defendant with one count of making false statements, in violation of 18 U.S.C. § 1001. Count III charges the Defendant with one count of theft of public money, in violation of 18 U.S.C. § 641. Count IV charges the Defendant with one count of money laundering, in violation of 18 U.S.C. §§ 1957(a) and 1957(b)(1). Count V of said Superceding Indictment sought the forfeiture, pursuant to 18 U.S.C., § 982(a)(1), of a 2005 Buick Rendezvous CX, VIN 3G5DA03745S556164, on the basis it was derived from proceeds obtained directly or indirectly as a result of the commission of the violation charged in Count IV.

2. By virtue of said plea of guilty, the Defendant forfeits her interest in the subject property, and the United States should be entitled to possession of said property, pursuant to 18 U.S.C., § 982(a)(1).

3. The United States' Motion for Issuance of Preliminary Order of Forfeiture should be sustained.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

A. The United States' Motion for Issuance of Preliminary Order of Forfeiture is hereby sustained.

B. Based upon Count IV of the Superseding Indictment and the Defendant's plea of guilty, the United States is hereby authorized to seize the 2005 Buick Rendezvous CX, VIN 3G5DA03745S556164.

C. The Defendant's interest in said property is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 18 U.S.C., § 982(a)(1).

D. The aforementioned forfeited property is to be held by the United States in its secure custody and control.

E. Pursuant to 18 U.S.C., § 982(a)(1), the United States forthwith shall publish for at least thirty consecutive days on an official Government internet site (www.forfeiture.gov) notice of this Order, Notice of Publication evidencing the United States' intent to dispose of the property in such manner as the Attorney General may direct, and notice that any person, other than the Defendant, having or claiming a legal interest in any of the subject forfeited property must file a Petition with the court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.

F. Said published notice shall state the Petition referred to in Paragraph E., above, shall be for a hearing to adjudicate the validity of the Petitioner's alleged interest in the property, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the

Petitioner's right, title or interest in the subject property and any additional facts supporting the Petitioner's claim and the relief sought.

G. The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property subject to this Order as a substitute for published notice as to those persons so notified.

H. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 18 U.S.C., § 982(a)(1), in which all interests will be addressed.

ORDERED this 4th day of February, 2009.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Lyle E. Strom", is written over a horizontal line.

LYLE E. STROM, SENIOR JUDGE
United States District Court